

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 13

Evis Neverlane Stephens,

Case No.: 21-42857

Debtor.

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Evis Neverlane Stephens,

Plaintiff,

v.

Adv. Pro. No.: 22-01037

Maxine Bonaparte, Lezantonio Woodburn,
12706 Holdings Inc., Charles L Mester, Esq.,
Planet Management Group, LLC, Planet Home
Lending LLC dba Planet Home Servicing,
Wilmington Savings Fund Society, FSB (WSF),
Verus Securitization Trust 2020-NPL1,

Defendants.

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**ORDER GRANTING IN PART AND DENYING IN PART THE PLANET
DEFENDANTS AND THE WILMINGTON DEFENDANTS' MOTIONS TO DISMISS**

Upon Evis Neverlan Stephens' (the "Plaintiff") Amended Complaint [ECF No. 34]; the Motion to Dismiss Adversary Proceeding [ECF No. 48] filed by Wilmington Savings Fund Society, FSB and Verus Securitization Trust 2020-NPL 1 (the "Wilmington Defendants"); the Motion to Dismiss Adversary Proceeding [ECF No. 51] filed by Planet Management Group, LLC and Planet Home Lending LLC dba Planet Home Servicing (the "Planet Defendants"); Plaintiff's Affirmation in Opposition to the Wilmington Defendants' Motion to Dismiss [ECF No. 55]; Plaintiff's Affirmation in Opposition to the Planet Defendants' Motion to Dismiss [ECF No. 56]; the Planet Defendants' Reply Memorandum of Law [ECF No. 62]; the Wilmington Defendants' Reply Memorandum of Law [ECF No. 63]; and for the reasons set forth in the

Memorandum Decision on Motions to Dismiss [ECF No. 81]; and based on the record of the entire case.

NOW, THEREFORE, it is **ORDERED** that:

1. The Wilmington Defendants' Motion to Dismiss Adversary Proceeding is granted to the extent set forth in the Memorandum Decision on Motions to Dismiss.
2. The Planet Defendants' Motion to Dismiss Adversary Proceeding is granted to the extent set forth in the Memorandum Decision on Motions to Dismiss.
3. The Plaintiff is granted leave to file an amended complaint solely to assert claims to avoid and recover 127-06 177th Street, Jamaica NY 11434 and the mortgage under Bankruptcy Code sections 522(g) and (h), 544, and 550. Notwithstanding anything to the contrary in the Memorandum Decision on Motions to Dismiss, any amended complaint must be filed by **February 9, 2024**.

Dated: January 12, 2024
Brooklyn, New York





Jil Mazer-Marino
United States Bankruptcy Judge